

Monte J. White and Associates, P.C.
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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION

IN RE: §
Arnulfo Andrade Vielmas §
§ CASE NO. 10-70619-HDH-13
§
DEBTOR §
DEBTOR'S OBJECTION TO TRUSTEE'S MODIFICATION OF
CHAPTER 13 PLAN AFTER CONFIRMATION

DEBTOR Arnulfo Andrade Vielmas by and through attorney, Monte J. White, file this Debtor's Objection to Trustee's Modification of Chapter 13 Plan After Confirmation, and respectfully show the Court as follows:

1. The Chapter 13 Trustee proposes to raise Debtor's plan base to \$33,200.00 and increasing his monthly payment from \$295.00 to \$795.00.
2. The basis for the increase is the adjusted gross income of \$94,421.00 according to the Debtor's joint 2012 tax return.
3. The joint return shows \$21,950.00 in gambling winnings. Additionally, the "Itemized Deduction" schedule shows the same amount in gambling losses.
4. Debtor has prepared and filed updated Schedules I and J showing that a plan payment increase is not feasible.
5. The Trustee is also requesting \$351.00 of the tax refund be applied to the base amount due to the Debtor's refund being over \$2,000.00. The refund is a result of a joint return in which Debtor's spouse is not a party to this case. Therefore, Debtor's 1/2 community property interest in the refund is only \$1,175.50 and does not exceed \$2,000.00.
6. Debtor requests that Monte J. White and Associates, PC's fees in the amount of \$400.00 be approved and scheduled to be paid through the Chapter 13 plan.

FOR THESE REASONS, Debtor asks that the Trustee's Plan Modification be denied or in the alternative, set for hearing on June 19, 2013.

Respectfully submitted,

/s/Monte J. White
Attorney for Debtor

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Response was served on May 7, 2013 on the following parties in interest at the addresses listed below by ECF and/or regular U.S. First Class mail:

Walter O'Cheskey
Standing Chapter 13 Trustee
6308 Iola
Lubbock, TX 79424

Arnulfo Andrade Vielmas
123 Dunbar Dr
Wichita Falls, TX 76302

William T. Neary
Office of the U.S. Trustee
1100 Commerce St. Suite 9C60
Dallas, TX 75242

/s/Monte J. White
Attorney for Debtor